



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/775,753

02/10/2004

Todd Craig

PI028/00PI2-U

8722

24350 7590 10/24/2008
STITES & HARBISON, PLLC
400 W MARKET ST
SUITE 1800
LOUISVILLE, KY 40202-3352

EXAMINER

HICKS, ROBERT J

ART UNIT

PAPER NUMBER

3781

MAIL DATE

DELIVERY MODE

10/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/775,753	Applicant(s) CRAIG ET AL.	
	Examiner ROBERT J. HICKS	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 24, 2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (USPN 5,800,853) in view of Valdastrì, Sr. (USPN 2,386,993) [hereinafter Valdastrì.**

Art Unit: 3781

5. Regarding Amended Claims 1 and 14, the patent to Wang – a baking pan kit – discloses an apparatus (Fig. 13) for holding multiple pizzas (Col. 2 Lines 32-35 and Lines 40-47), the apparatus comprising: a pan (130) having a bottom (142); and an insert (132) adapted to fit within the pan, the insert being divided into multiple portions (Fig. 13), with each of the multiple portions comprising a plurality of sidewalls extending between a base of the insert and an upper portion of the insert, the sidewalls generally surrounding an open end defined in the base (Fig. 13). Pizza as known in the art is a food made from dough.

Wang does not expressly disclose that when a sheet of dough is placed across the insert, the dough contacts the bottom of the pan through the open end of each of the multiple portions, along with the sidewalls of the insert so as to form a separate crust for one of the multiple pizzas within each of the multiple portions of the insert. However, the patent to Valdastrì – an insert for making ravioli – teaches an insert that can be rested on a flat surface (**Valdastrì**, Page 1 Col. 1 Lines 16-18), on which a sheet of dough (**Valdastrì**, 22, 24) can be placed across the insert (**Valdastrì**, Fig. 1) and the dough can contact the bottom of the pan through the open end of the multiple portions and along the sidewalls of the insert (**Valdastrì**, Fig. 1, Fig. 7, Page 1 Col. 2 Line 52 to Page 2 Col. 1 Line 3) to form separate crusts for each of the multiple food portions made from the insert (**Valdastrì**, Figs. 1 and 7). It would have been obvious at the time of the invention to one of ordinary skill, using the teaching, suggestion, and motivation within the prior art, to modify the insert in the Wang baking pan to allow for dough placed across the insert to touch the bottom of the pan and to make separate crusts for

Art Unit: 3781

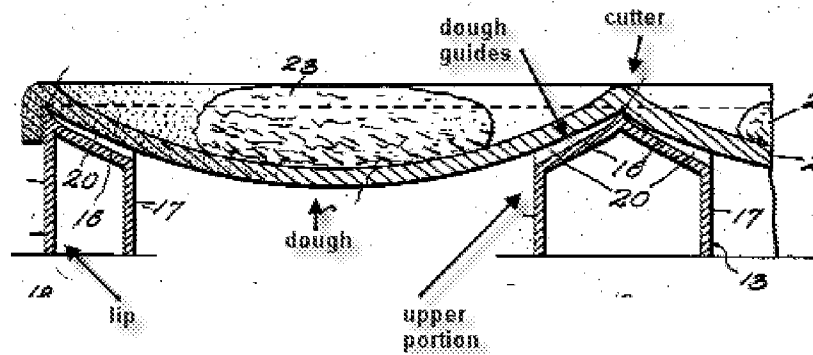
the pizzas, as suggested by Valdastrì, "which will form the completed ravioli and cause the same to be deposited upon a table or the like." (**Valdastrì**, Page 1 Col. 1 Lines 16-18)

6. Regarding Claim 2, Wang in view of Valdastrì discloses all the limitations substantially as claimed, as applied to amended claim 1 above; further, Valdastrì teaches the insert defines a center bar disposed (**Valdastrì**, 16) above the upper portion of the insert; further wherein the center bar and the sidewalls are arranged such that a single sheet of dough laid across the insert is readily divided along the center bar (**Valdastrì**, 18) to form separate crusts for the multiple pizzas (**Valdastrì**, Figs. 1 and 7).

7. Regarding Claim 3, Wang in view of Valdastrì discloses all the limitations substantially as claimed, as applied to amended claim 1 above; further, Valdastrì teaches the insert defines a generally planar platform (**Valdastrì**, 16, Fig. 1) extending in the upper portion outwardly from the sidewalls.

8. Regarding Claim 4, Wang in view of Valdastrì discloses all the limitations substantially as claimed, as applied to claim 3 above; further, Valdastrì teaches a lip (**Valdastrì**, 11-12) extending toward the base and disposed along an edge of the platform to structurally strengthen the insert (**Valdastrì**, Fig. 1).

9. Regarding Claim 5, Wang in view of Valdastrì discloses all the limitations substantially as claimed, as applied to amended claim 1 above; further, Valdastrì teaches the insert defines a plurality of dough guides (**Valdastrì**, Fig. 4) adapted to generally center dough laid across the insert, the dough guides extending above the upper portion.



10. Regarding Claims 6 and 7, Wang in view of Valdastrì discloses all the limitations substantially as claimed, as applied to claim 5 and amended claim 1 above, respectfully, further, Valdastrì teaches the insert defines a plurality of stabilizers (**Valdastrì**, 17) extending from the dough guides toward the base, the stabilizers being adapted to stabilize the insert within the pan (**Valdastrì**, Figs. 1 and 4).

11. Regarding Claim 8, Wang in view of Valdastrì discloses all the limitations substantially as claimed, as applied to amended claim 1 above; further, Valdastrì teaches the sidewalls (Valdastrì, 16, Fig. 4) are angled with respect to the base in a manner to create the multiple pizzas from a single sheet of dough (**Valdastrì**, 22, 24) laid across the insert (**Valdastrì**, Fig. 1).

12. Regarding Claim 9, Wang in view of Valdastrì discloses all the limitations substantially as claimed, as applied to amended claim 1 above; further, Valdastrì teaches the insert defines a generally rectangular shape (**Valdastrì**, Fig. 1); further wherein the openings are two in number and are of a generally square shape for forming two generally square pizzas.

Response to Arguments

13. Applicant's arguments, see Remarks Page 7 Lines 8-9, filed September 24, 2008, with respect to the 103(a) rejections of claims 1 and 14 as obvious over Deneault et al. (USPN 5,402,714) [hereinafter Deneault] in view of Carollo (USPN 5,622,742) have been fully considered and are persuasive. The 103(a) rejections of claims 1 and 14 as obvious over Deneault in view of Carollo have been withdrawn.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: see PTO-892 Notice of References Cited for prior art considered relevant to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. HICKS whose telephone number is (571)270-1893. The examiner can normally be reached on Monday-Friday, 8:30 AM - 5:00 PM, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3781

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert J Hicks/
Examiner, Art Unit 3781

/Anthony D Stashick/
Anthony D Stashick
Supervisory Patent Examiner, Art
Unit 3781